

HOW TO START A PROPOSED VACATION OF COUNTY STREETS AND/OR EASEMENTS

If you are considering requesting the vacation of a Public Easement such as County street and highway, alley, walkway, slope, termination of rights and restrictions, or other public service easements, please use the following procedure:

1. Address a request letter to:

Los Angeles County Department of Public Works
P.O. Box 1460
Alhambra, CA 91802-1460

Attention Survey/Mapping & Property Management Division
Right of Way Engineering Section

2. Include the following information with your letter:

- a. A sketch showing the public street or easement area to be vacated.
- b. A copy of the site plan and/or street improvement plan, if available.
- c. The reason for requesting the vacation.
- d. If possible, the signatures of all property owners abutting the public street or easement to be considered for vacation and of those who make use thereof for ingress and egress to their property.
- e. A telephone number where you can be reached during the day.

If the amount of the fee has not been previously confirmed, upon receipt of your letter, the Department of Public Works will advise you of the fee required to process the initial phase of the vacation.

Enclosed is an explanation of the vacation proceedings. If you need additional information, or want to set up an appointment to discuss the vacation procedure further, please call Jose Suarez at (626) 458-7060.

Para información en español, favor de llamar a Jose Suarez al (626) 458-7060.

Enc.

EXPLANATION OF VACATION PROCEEDINGS

DEFINITION:

The vacation of a street or easement is a legislative act of the Board of Supervisors terminating the stipulated public rights within the area described. It does not grant the property involved to anyone, it merely removes the County's specified interest.

LEGAL BACKGROUND:

The basic legal requirements that must be met are given in the California Streets and Highways Code, Section 8320, et seq.

PROCESSING FEE:

A fee is charged by the County to process a vacation. This fee is divided into two installments: (1) for the initial investigation, and (2) for submittal to the Board of Supervisors for consideration and to complete the public hearing process, if required. These fees are not refundable and are determined by the size of the area being considered for vacation and how the Resolution is filed with the Board of Supervisors. If during the initial investigation, it is determined that the vacation is not recommended, the vacation proceedings will be terminated and no additional (2nd phase) fee will be required. If the various reviewing Departments and Agencies have no objection to the vacation, the applicant will be notified and informed of any recommended conditions required for the vacation and the amount of the second installment fee required to continue processing it to the Board of Supervisors for final action. These processing fees are not refundable even if the vacation is terminated or denied by the Board of Supervisors.

INITIAL INVESTIGATION PHASE:

The Department of Public Works will review the requested vacation and circulate it to the other County Departments, public agencies, and affected public utilities for their recommendations.

ENVIRONMENTAL DETERMINATION:

The applicant may be required to complete an Environmental Assessment as part of the vacation process.

PUBLIC IMPROVEMENTS:

The vacation may be conditioned upon the applicant constructing and/or relocating various street improvements such as curb, gutter, pavement, drainage structures, storm drains, street lights, trees, and fire hydrants. The cost to meet these conditions, which must be completed prior to finalizing the vacation, is the responsibility of the applicant.

PUBLIC UTILITIES:

An easement must be reserved in the vacation for any public utility existing within the vacation area. If the applicant chooses to clear the area of these utilities, it is the responsibility of the applicant to make arrangements with the utility companies for the relocation prior to completion of the vacation. All costs in connection with the relocation of these facilities must be borne by the applicant.

OTHER PROPERTY OWNERS:

The consent and approval of all affected property owners may be required.

REVERSION:

It is the applicant's responsibility to determine the ownership of the underlying fee interest of the public street to be vacated. Usually the County has only an easement for road, alley, walk, or other purposes and the vacation only removes this easement. It does not grant the property to anyone. In those instances where the County does own the underlying fee, the applicant will be notified and the property is to be sold at the appraised fair market value after the easement is vacated.

PUBLIC HEARING:

The law requires, except in certain situations, that prior to considering a vacation, the Board of Supervisors adopt a resolution declaring an intent to vacate the street or easement, set a date for and hold a public hearing. A notice of the hearing is published in a local paper of general circulation and posted at the location of the vacation. The owners abutting the vacation are also given a written notice of the hearing and all concerned are given an opportunity to appear before the Board to speak in favor or opposition. The Board of Supervisors may approve or disapprove the vacation at the public hearing or defer final action to another time.

SUMMARY VACATION:

Under certain conditions, the law permits the vacation of streets or highways without a public hearing. The major conditions that must be met to avoid a public hearing are: The road has not been used by the public for at least five years; no utilities are constructed within the road; and only one property ownership is affected. In these cases, the Board of Supervisors considers the vacation and acts without the hearing. It will be determined during the initial review if the requested vacation is to be processed through a public hearing or if it can be considered summarily by the Board of Supervisors. The applicant will be notified of this determination at the completion of the investigation.

TIME:

The time required to investigate the feasibility and to complete the vacation is approximately 12 to 18 months, depending upon the scope and complexity of the vacation and the applicant's timely compliance with the requirements. If the vacation is disapproved in the initial investigation phase, the applicant should be informed in about three to four months.

CONDITIONAL VACATION:

Sometimes a vacation will be approved but will not become effective until specified conditions have been met, such as the construction of certain improvements by the property owners. In these cases, the applicants are notified and given a reasonable time (normally a year) to comply with the conditions. If the conditions are not met within the specified period, the vacation will become null and void and the proceedings are terminated. A new fee will be required if the vacation is reactivated.

FEES FOR VACATIONS:**Stage I Initial processing and investigation fees**

<u>When vacation area is</u>	<u>Fee is</u>
a. Minor-under 5,000 square feet	\$ 500
b. Major-5,000 square feet or more	\$1,000

Stage II. Fee to complete vacation

a. Summary vacation	\$ 500
b. Public hearing	\$1,000

*For Sanitary Sewer Vacation \$ 2,353

*Per Los Angeles County Code Section 20.32.240 (Sewer easement processing fees). Fee changes in this section are made by the Director of Public Works due to increases in the Consumer Price Index and are effective July 1, 2013.

SAMPLES

Vacation Projects with Links to the Board of Supervisors'

Statement of Proceedings Website

Road Easement Vacation – Public Hearing

Halford Road Northeast of Longmont Avenue (Item 1 – 8/28/12)

<http://file.lacounty.gov/bos/supdocs/70116.pdf>

Road Easement Vacation – Summary Matter

Bowl Trail North of Summit Trail (Item 24 – 7/10/12)

<http://file.lacounty.gov/bos/supdocs/69615.pdf>

Slope Easement Vacation

Slope easement East of Old Topanga Canyon Road (Item 21 – 1/8/13)

<http://file.lacounty.gov/bos/supdocs/73662.pdf>

Sanitary Sewer Easement Vacation

Sanitary Sewer Easement South of 3rd Street (Item 29 - 11/7/12)

<http://file.lacounty.gov/bos/supdocs/72395.pdf>

Abandonment of Future Street

Future Street East of 163rd Street East (Item 27 - 8/14/12)

<http://file.lacounty.gov/bos/supdocs/70471.pdf>